

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

**Zachary Paul Cruz,**

Plaintiff,

VS.

**Sheriff Donald L. Smith et al,**

Defendant.

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NOTICE

Civil Action No. 5:22-cv-00064

To: Mr. Christopher Michael Okay, Esq.

Rule 4(m) of the Federal Rules of Civil Procedure states "If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1) or to service of a notice under Rule 71.1(d)(3)(A)."

Pursuant to that rule, you are hereby given notice that the Court's record reflects that your complaint was filed on 11/2/2022 and as of this date, service has not been executed on defendant(s), Lindsay Combs, John Doe 1-3, Brian Jenkins, Donald L. Smith.

You have until 1/31/2023 to notify the Clerk of this Court that service has been accomplished on said defendant(s). Otherwise, the named defendant(s) will be dismissed from the suit without prejudice by Order of this Court.

LAURA A. AUSTIN, CLERK

By: s/J. Vasquez  
Deputy Clerk